

HONGKONG.  
ANNO TRICESIMO OCTAVO  
VICTORIÆ REGINÆ.

SIR ARTHUR EDWARD KENNEDY, K.C.M.G., C.B.,  
*Governor and Commander-in-Chief.*

No. 5 OF 1874.

Title. An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to consolidate and amend the Law relating to Chinese Passenger Ships, and the Conveyance of Chinese Emigrants.

[7th September, 1874.]

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to Chinese passenger ships, and the conveyance of Chinese emigrants: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

PRELIMINARY.

Short title. I. This Ordinance may be cited for all purposes as “The Chinese Emigration Consolidation Ordinance, 1874.”

Interpretation clause. II. In the interpretation of this Ordinance:—

[18 & 19 Vic., c. 104.]

The term “Chinese Passenger Ship” shall include every ship carrying from any port in Hongkong, and every British ship carrying from any port in China, or within one hundred miles of the coast thereof, more than twenty passengers being natives of Asia;

[Ord. 3 of 1873, sec. 2.]

The expression “Chinese Emigrant Ship” shall mean any ship not being a “Chinese Passenger Ship” lying in the waters of the Colony, and fitting out or intended to be used for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony;

[Ibid.]

The term “Fittings” shall include any article capable of being used as part of the tackle, apparel, furniture, or equipment of a ship;

[Ibid.]

The expression “Prohibited Fittings” shall mean any fittings prohibited by this Ordinance, or by a Proclamation of the Governor;

[Ibid.]

The expression “Emigration Officer” shall include any person deputed or authorized by the Emigration Officer to execute any power or perform any duty vested in or imposed upon him by this Ordinance;

[18 & 19 Vic., c. 104.]

The word “Colony” shall include all Her Majesty’s Possessions abroad not being under the Government of the Viceroy of India;

[Ibid.]

The word “Governor” shall signify the person for the time being lawfully administering the Government of such Colony;

[Ibid.]

The term “British Consul” shall include any person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port;

[Ibid.]

The word “Ship” shall include all sea-going vessels;

[Ibid.]

The term “Commander or Master of any Ship” shall include any person for the time being in command or charge of the same.

*Definition of a voyage within “The Chinese Passengers’ Act.”*

Definition of short voyage. [Ord. 9 of 1856, sec. 3.]

III. Any Chinese passenger ship clearing out or proceeding to sea from any port in this Colony, or in China, or within a hundred miles of the coast thereof, on any voyage or voyages to any other port or ports for the purpose of commencing at or from any such port or ports as last aforesaid a voyage of more than seven days’ duration shall be deemed to have cleared out or proceeded to sea upon the said last mentioned voyage from the said first mentioned port within the meaning of “The Chinese Passengers’ Act, 1855.”

PART I.

REGULATIONS UNDER “THE CHINESE PASSENGERS’ ACT.”

*Notice of passenger ship being laid on the berth.*

Notice of ship being laid on as a Chinese passenger ship to be given to Emigration Officer. [Ord. 12 of 1868, sec. 5.]

IV. The owners or charterers of every Chinese passenger ship, or if absent from the Colony their respective agents, shall as soon as such ship is laid on for the conveyance of Chinese emigrants give notice in writing of the fact to the Emigration Officer specifying in such notice the name, destination and probable time of departure of such ship, and in all cases where such intending emigrants are under contracts of service, of the depôt or depôts in which such intending emigrants are lodging or intended to be lodged before embarkation.

*Licensing of "Chinese Passenger Ships."*

V. No Chinese passenger ship, except ships about to proceed on a voyage of not more than thirty days' duration within the meaning of section VIII of this Ordinance, shall clear out or proceed to sea, and the Emigration Officer shall not grant the certificate prescribed by section IV of "The Chinese Passengers' Act, 1855," unless the master of such ship shall be provided with a licence under the hand of the Governor and the public seal of the Colony to be obtained in manner hereinafter mentioned.

2. It shall be lawful for the Governor in Council, from time to time, to exempt from the operation of this section, any mail steamers or other vessels which are subject to the provisions of "The Chinese Passengers' Act, 1855," provided that the Chinese passengers proceeding in such vessels be free emigrants and under no contract of service whatever.

3. The owners or charterers of every such Chinese passenger ship, or if absent from the Colony their respective agents, shall, before such ship is laid on for the conveyance of Chinese emigrants and before any depôt is opened for their reception, apply in writing to the Colonial Secretary for a licence under the hand of the Governor and the public seal of the Colony for the conveyance of such emigrants and shall furnish all particulars as to the destination of the said ship and as to all other matters relating to the intended voyage and emigration which may be required of them, and shall also furnish the like particulars where any exemption is applied for under paragraph 2 of this section.

4. All such particulars shall, if so ordered, be verified upon oath before the Emigration Officer or any Justice of the Peace, and every person who shall knowingly furnish untrue particulars, shall be liable to imprisonment with or without hard labour, for any period not exceeding six calendar months, and to a fine not exceeding one hundred dollars, either in addition to or in substitution of such imprisonment.

5. The granting of every such licence shall be in the discretion of the Governor in Council and shall be subject to the payment of a fee of one hundred dollars and to such conditions as may, from time to time, be prescribed under instructions from Her Majesty's Principal Secretary of State for the Colonies, and the Governor in Council may impose such conditions on the granting of such licence as he shall think expedient in each particular case, provided the same shall not be contrary to or inconsistent with such instructions.

6. Every licence granted under this section in respect of any Chinese passenger ship shall specify the period within which such ship shall clear out and proceed to sea: Provided always that it shall be lawful for the Governor in Council, from time to time, to extend such period.

7. In case it shall be shown to the satisfaction of the Governor in Council at any time before the departure of a Chinese passenger ship that the master, mate, or any other officer of such ship is unfit for the proper discharge of his duties by reason of incompetency or misconduct, or for any other sufficient cause, it shall be lawful for the Governor, by order under his hand, to discharge and remove such master, mate, or other officer from the said ship, and thereupon the owners or charterers thereof, or their agents, shall forthwith appoint a master or mate, or other officer, as the case may be, to be approved by the Emigration Officer, in the place of the one so discharged and removed as aforesaid.

8. In any of the following cases, namely:—

- (a.) If it shall appear to the satisfaction of the Governor in Council, at any time before the departure of a Chinese passenger ship, that the particulars furnished in relation thereto under paragraph 3 are untrue, or that any condition of the said licence has been violated;
- (b.) If any Chinese passenger ship shall fail to clear out and proceed to sea, within the period specified in the licence granted under this section, or within such extended period as aforesaid;
- (c.) If the owners or charterers of a Chinese passenger ship shall fail forthwith to appoint a master, mate, or other officer to be approved as aforesaid, in the place of any master, mate, or other officer discharged under paragraph 7;

It shall be lawful for the Governor in Council to revoke the licence granted under this section in respect of such Chinese passenger ship, and to order that the said ship be seized and detained until her emigration papers (if already granted) be delivered up to be cancelled.

Breach of condition of licence. 9. The breach of any condition of a licence granted under this section shall be deemed a breach of a regulation respecting Chinese passenger ships within the meaning of section II of "The Chinese Passengers' Act, 1855."

Application of penalty for breach of this Ordinance recoverable under "The Chinese Passengers' Act, 1855." [Ibid, sec. 10.] 10. It shall be lawful for the Governor in Council to apply the whole or any part of the penalty recoverable in case of the non-observance or non-performance of the regulations of this section under the provisions of section V of "The Chinese Passengers' Act, 1855," towards the expenses of reconveying to their homes intending emigrants by any vessel in respect of which the licence granted under this section shall have been revoked in manner hereinbefore provided.

Regulations of schedule A of "Chinese Passengers' Act, 1855," not to be affected by this section. 11. Nothing in this section shall be deemed to affect the regulations contained in schedule A of "The Chinese Passengers' Act, 1855."

*Emigration Passage Brokers.*

No Person to act as a passage broker without having entered into a bond and obtained a licence. [Ord. 11 of 1857, sec. 1.] VI. No person shall act as a passenger broker, or in procuring passengers for, or in the sale or letting of passages in any Chinese passenger ship, unless he shall, with two sufficient sureties, to be approved by the Emigration Officer, have entered into a joint and several bond in the sum of five thousand current dollars, to Her Majesty, Her Heirs and Successors, according to the form contained in schedule A hereunto annexed, which bond shall be renewed on each occasion of obtaining such licence as hereinafter mentioned, and shall be deposited with the Emigration Officer; nor unless such person shall have obtained a licence to let or sell passages, nor unless such licence shall be then in force; and where different members of the same firm act as passage brokers, each person so acting shall comply with the terms of this section.

How passage broker's licences may be obtained. [Ibid, sec. 2.] 2. Any person wishing to obtain a licence to act as a passage broker, shall make application for the same to the Emigration Officer, and the Emigration Officer is hereby authorized (if he shall think fit) to grant such licence according to the form in schedule B hereunto annexed: Provided always, that no such licence shall be granted unless such bond as hereinbefore mentioned shall have been first entered into: Provided also, that any

Power to Magistrates to order licences to be forfeited. Magistrate who shall adjudicate on any offence against this section, is hereby authorized to order the offender's licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said Magistrate making such order shall forthwith cause notice of such forfeiture, in the form contained in the schedule C hereunto annexed, to be transmitted to the Emigration Officer, and such forfeiture shall be exclusive and independent of any other punishment which may be inflicted upon such offender under the provisions of this section.

Fee to be paid for licences. [Ibid, sec. 3.] 3. Every person obtaining such licence as aforesaid, shall pay to the Emigration Officer a fee of two hundred current dollars, which fee the Emigration Officer is hereby empowered and required to demand and receive upon the issuing of any such licence; and the Emigration Officer shall pay all such fees into the Colonial Treasury, to the use of the crown.

How long licences are to continue in force. [Ibid, sec. 4.] 4. Such licence shall continue in force until the 31st day of December in the year in which such licence shall be granted, and for fourteen days afterwards, unless sooner forfeited as hereinbefore mentioned.

Contract tickets for passages. [Ibid, sec. 5.] 5. Every passage broker who shall or may receive money from any person, for or in respect of a passage in any Chinese passenger ship, shall give to every such person a contract ticket, under the hand of such passage broker, and stamped with his seal or trade mark,—each ticket to be printed in a plain and legible type, according to the form in the schedule D hereunto annexed, and to be accompanied with a translation thereof in the Chinese language, in plain and legible characters.

Passage brokers to produce to Emigration Officer certificate that they have chartered the ship for carrying emigrants. [Ibid, sec. 6.] 6. Every such passage broker before he shall receive or take any money on account of any such passage, or for the sale or letting of the whole or any part of the accommodation of or in any Chinese passenger ship proceeding from Hongkong, shall produce to the Emigration Officer the certificate of the master or owner of the ship, in respect of which such passage shall or may have been taken, or the accommodation in which shall have been so sold or let, to the effect that such ship has been chartered for the purpose of carrying emigrants, and that he, such passage broker, is authorized to receive payment for such passage, or for the sale or letting of the accommodation in such ship; and such certificate shall be filed in the office of the Emigration Officer.

7. On every occasion of the delivery to any passenger of such contract ticket as aforesaid, the passage broker who shall have engaged to provide such passenger with a passage shall attend with him at the office of the Emigration Officer, in whose presence the contract ticket shall be delivered to such passenger, and who shall explain to him the true intent and meaning of such contract.

Passage broker to attend before Emigration Officer for the purpose of delivering the contract tickets to passengers. [Ibid, sec. 7.]

8. No person shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any person to part with or render useless or destroy any such contract ticket, during the continuance of the contract which it is intended to evidence.

Contract tickets not to be altered. [Ibid, sec. 8.]

9. No licensed passage broker shall, as agent for any person, whether a licensed broker or not, receive money for or on account of the passage of any passenger on board a Chinese passenger ship, without having a written authority to act as such agent, or on the demand of the Emigration Officer, refuse or fail to exhibit his licence and such written authority; and no person whether as principal or agent shall, by any fraud, or by false representation as to the size of the ship or otherwise, or by any false pretence whatsoever, induce any person to engage any passage as aforesaid.

Agents not to act without written authority, and to produce their authority on demand. [Ibid, sec. 9.]

10. Every emigration passage broker who shall contract with any intending emigrant for a passage in such ship shall forthwith give notice in writing to the Emigration Officer of every such contract, specifying the name, age and sex of such emigrant and the name of such ship.

Notice of every contract with emigrants to be given to Emigration Officer. [Ord. 12 of 1868, sec. 8.]

11. All violations or disobediences of, or defaults in compliance with, the provisions of this section shall be heard and determined in a summary way; and on conviction of such offences, the respective offenders shall be sentenced to pay the several penalties, or in default of the payment thereof, to suffer the several terms of imprisonment respectively hereinafter specified:—

Penalties for offences. [Ord. 11 of 1857, sec. 10.]

- (a.) For every offence against paragraph 1, a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding six months.
- (b.) For every offence against paragraph 5, a fine not exceeding fifty dollars, or imprisonment for a term not exceeding six weeks.
- (c.) For every offence against paragraph 6, a fine not exceeding one hundred dollars, or imprisonment for a term not exceeding three months.
- (d.) For every offence committed by a passage broker against paragraph 7, a fine not exceeding one hundred dollars, or imprisonment for a term not exceeding three months.
- (e.) For every offence against paragraph 8, a fine not exceeding fifty dollars, or imprisonment for a term not exceeding two months.

*Hospital and medical inspection.*

VII. In every Chinese passenger ship, except ships about to proceed on a voyage of not more than thirty days' duration in the meaning of section VIII of this Ordinance, there shall be a sufficient space properly divided off to the satisfaction of the Emigration Officer at the port of clearance, to be used exclusively as a hospital or sick bay for the passengers; this space shall be either under the poop, or in the round-house, or in any deck-house which shall be properly built and secured to the satisfaction of such Emigration Officer, or on the upper passenger deck, and not elsewhere, and shall in no case be of less dimensions than eighteen clear superficial feet for every fifty passengers which the ship shall carry. Every such hospital shall be fitted with bed places, and supplied with proper beds, bedding, and utensils, to the satisfaction of the Emigration Officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

Hospital accommodation to be provided. [Ord. 6 of 1859, sec. 1.]

2. In the measurement of the passenger decks, for the purpose of determining the number of passengers to be carried in any such Chinese passenger ship, the space for the hospital shall be included.

Space for hospital to be included in measurement of capacity for passengers. [Ibid, sec. 2.]

3. The Governor is hereby authorized to appoint, at a salary not exceeding two thousand dollars per annum, a medical officer whose duty it shall be to inspect intending emigrants and to supervise all matters and things in any way relating to the comfort and well-being of such emigrants before their departure and on their voyage, and such salary shall be in lieu of all fees.

Governor authorized to appoint a medical officer. [Ord. 12 of 1868, sec. 9.]

Medical examination before sailing. [Ord. 5 of 1869, sec. 3.] 4. No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration, until the proper medical officer as provided shall have certified to the Emigration Officer, and the said Emigration Officer shall not grant his certificate unless he is satisfied, that none of the passengers or crew appear by reason of any bodily or mental disease, unfit to proceed or likely to endanger the health or safety of other persons about to proceed in such vessel; and a medical inspection of the passengers for the purposes of giving such certificate shall take place either on board the vessel, or, at the discretion of the said Emigration Officer, at such time and place on shore, before embarkation, as he may appoint; and the master, owner, or charterer of the ship, shall pay to the Emigration Officer a sum at the rate of twenty-five current dollars, for every hundred persons so examined, and such Emigration Officer shall pay the same into the treasury to the use of the crown.

Medical inspection of emigrants under contract of service. [Ord. 12 of 1868, sec. 10.] 5. The medical inspection of emigrants under contracts of service shall take place on shore before embarkation as well as on board the said ship after embarkation and the Emigration Officer shall not grant the certificate required by "the Chinese Passengers, Act, 1855" unless he shall be satisfied that such double inspection has been duly made, or has been dispensed with by the sanction of the Governor.

No emigrant to embark or be received on board without a permit. [*Ibid*, sec. 11.] 6. It shall not be lawful for any emigrant under contract of service to embark in any Chinese passenger ship, or for the master or other person on board of a Chinese passenger ship to permit any such emigrant to embark therein, unless such emigrant shall produce an embarkation permit from the Emigration Officer, who shall not grant the same unless he shall be satisfied that such emigrant has undergone on shore the medical inspection required by law to be made before embarkation.

Emigration Officer to appoint time for medical inspection after embarkation. [*Ibid*, sec. 12.] 7. The medical inspection of emigrants required to be made after their embarkation in any Chinese passenger ship shall take place at such time as the Emigration Officer shall appoint.

Chinese medical practitioner may be surgeons of Chinese passenger ships. [*Ibid*, sec. 14.] 8. Any Chinese medical practitioner properly qualified to the satisfaction of the Colonial Surgeon shall be eligible, with approval of the Governor, for the office of surgeon of a Chinese passenger ship within the terms of schedule A of "The Chinese Passengers' Act, 1855."

*Regulations for voyages of not more than thirty days' duration.*

Modified regulations for voyages of not more than thirty days' duration. [See Ord. 8 of 1855.] VIII. All ships clearing out or proceeding to sea upon voyages of not more than thirty days' duration, shall be subject to the modified regulations contained in schedule E of this Ordinance which as regards such ships shall be substituted for those contained in schedule A of "The Chinese Passengers' Act, 1855," but nothing in this section contained shall be deemed to relieve Chinese passenger ships from the operation of the said Act, except so far as the same is by the said schedule expressly modified.

Voyages declared to be of not more than thirty days' duration. [*Ibid*, sec. 4.] 2. The voyages specified in schedule F to this Ordinance annexed, are hereby declared to be voyages of not more than thirty days' duration, subject as regards steamers to the conditions as to their rate of speed and as regards sailing vessels to the conditions as to the periods of the year during which the voyage shall be performed, in the said schedule respectively expressed and contained.

Not to affect ships not within "The Chinese Passengers' Act." 3. This section shall not be construed as affecting any Chinese passenger ship which is about to proceed to sea on a voyage of not more than seven days' duration.

*Depôts for emigrants under contract of service.*

Depôts to be provided for the lodging of emigrants. [Ord. 12 of 1868, sec. 4.] IX. The owners or charterers of every Chinese passenger ship which is about to convey emigrants under contracts of service shall, as soon as such ship is laid on for the conveyance of such emigrants, provide a depôt or depôts, to be approved of by the Emigration Officer, wherein every intending emigrant by such ship may lodge as hereinafter provided, and every such depôt shall be maintained and every emigrant lodging therein shall be supported at the expense of such owners or charterers.

Emigrants to lodge in depôt three clear days before embarkation. [*Ibid*, sec. 6.] 2. Every intending emigrant by such Chinese passenger ship shall lodge, at the least three clear days previously to his embarkation, in the depôt provided by the owners or charterers of such ship.

3. Every such depôt as aforesaid shall be under the supervision of the Emigration Officer who may inspect the same at such times as he shall think fit, and there shall be at all times free ingress and egress allowed to all persons to and from such depôts, from 6 A.M. to 6 P.M. [Ibid, sec. 7.]

*Orders in Council relating to quantity of water.*

X. All Orders of Her Majesty the Queen in Council relating to the quantity of water to be carried by passenger ships having a certain description of condensing apparatus shall apply to Chinese passenger ships. Orders in Council to apply to Chinese passenger ships. [Ibid, sec. 15.]

*No Chinese passenger ship unless propelled by steam to clear between April and September.*

XI. No Chinese passenger ship, unless a vessel propelled by steam, bound to any port westward of the Cape of Good Hope or to any port in Australia, New Zealand, Oceania, or Tasmania shall be permitted to clear from any port in the Colony between the months of April and September inclusive. No Chinese passenger ship to clear between April and September. [Ibid, sec. 16.]

*Unwilling emigrants.*

XII. It shall be lawful for the Emigration Officer at any time when he is satisfied that any emigrant who is unwilling to leave the port has been obtained by any fraud, violence, or other improper means, to land such emigrant and procure him a passage back to his native place or that from which he was taken, and also to defray the cost of his maintenance whilst awaiting a return passage, and all such expenses with all legal costs incurred shall be recoverable by the Emigration Officer before any Police Magistrate from the Emigration passage broker of the vessel in which such emigrant was shipped or intended to be shipped. Emigration Officer may land any emigrant who is unwilling to leave the port and who has been procured by any fraud, &c. [Ibid, sec. 18.]

2. Whosoever shall unlawfully either by force or fraud take away or detain against his will any man or boy with intent to put him on board a Chinese passenger ship and whosoever shall with any such intent receive, harbour, or enter into any contract for foreign service with any such man or boy knowing the same to have been by force or fraud taken and obtained as in this paragraph before mentioned, shall be guilty of felony and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour. Punishment for improperly obtaining emigrants. [Ibid, sec. 19.]

*Penalties for breach of Ordinance.*

XIII. The owners or charterers of any Chinese passenger ship and any emigration passage broker and any intending emigrant by a Chinese passenger ship and any master or other person in charge of a Chinese passenger ship who shall fail to comply with or commit any breach of the provisions of part I of this Ordinance so far as they may respectively be bound thereby, and any person granting or knowingly uttering any forged certificate, permit, notice, or other document under this Ordinance shall, without prejudice to any other proceeding, civil or criminal, be liable upon summary conviction before a Magistrate to a fine not exceeding five hundred dollars, or to imprisonment with or without hard labour for any term not exceeding six months. Punishment of persons committing any breach of this Ordinance. [Ibid, sec. 21.]

**PART II.**

**EMIGRATION FROM PORTS OUT OF THE COLONY.**

*Emigrant ship fittings.*

XIV. Before beginning to fit out any ship intended to be used for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony, a notice to that effect shall be given in writing to the Emigration Officer, and such notice shall be signed by the owner and master of such ship, or in the event of the owner not being resident within the Colony, by the agent and master thereof, and in case such notice shall not have been given, the owner and master, or the agent and master of such ship, as the case may be, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed: Provided always that where there shall be no agent of an absent owner in the Colony, the notice may be signed by the master alone. Notice to Emigration Officer. [Ord. 3 of 1873, sec. 4.]

2. The master of every ship arriving within the waters of the Colony and which shall be fitted out for the conveyance of Chinese emigrants shall, within twenty-four hours, report the same to the Emigration Officer, and in case he shall neglect so to do, he shall be deemed guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed. Report to Emigration Officer. [Ibid, sec. 5.]

- Powers and duties of Emigration Officer.**  
[*Ibid*, sec. 6.] 3. The fittings of every ship mentioned in paragraphs 1 and 2 of this section shall be subject to the approval of the Emigration Officer, who is hereby empowered, at all reasonable times, to go on board and search and inspect such ship and her fittings and to order any fittings which shall in his opinion be objectionable, to be forthwith removed; and any person who shall in any way impede or attempt to impede the Emigration Officer in the execution of this duty, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.
- Certificate of Emigration Officer.**  
[*Ibid*, sec. 7.] 4. No such ship shall clear out or proceed to sea until the master thereof shall have received from the Emigration Officer a certificate in the form contained in schedule *H* to this Ordinance, and every such certificate shall be liable to a stamp duty of twenty-five dollars.
- Barricades and gratings prohibited.**  
[*Ibid*, sec. 8.] 5. All barricades and gratings apparently intended to be used, or which are capable of being used for the purpose of confining Chinese emigrants below decks, or within any particular part of a ship shall be deemed to be prohibited fittings within the meaning of this section.
- Other prohibited fittings.**  
[*Ibid*, sec. 9.] 6. It shall be lawful for the Governor, from time to time, by Proclamation to be inserted in the *Gazette* to prohibit the use or carriage in any ship of any other description of fittings therein specified, and every such prohibition shall have the same force or effect as if it were expressly enacted in this section.
- Seizure and forfeiture thereof.**  
[*Ibid*, sec. 10.] 7. All prohibited fittings wherever found within the Colony shall be seized and shall be forfeited to the crown in manner hereinafter mentioned.
- Unlawful possession, &c. of prohibited fittings.**  
[*Ibid*, sec. 11.] 8. Whoever shall, without lawful excuse (the proof of which shall lie on the accused), manufacture, purchase, sell, or have in his possession any prohibited fittings, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.
- Taking prohibited fittings on board, or refusal to remove the same.**  
[*Ibid*, sec. 12.] 9. The owner, agent, or master of any ship intended for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony who shall knowingly permit any prohibited fittings to be taken on board such ship, or to remain therein after the same have been taken on board, or who shall refuse to remove forthwith any fittings which the Emigration Officer shall have ordered to be removed, shall be guilty of an offence against this Ordinance, and shall be liable to the punishment hereinafter prescribed, and all such last mentioned fittings shall, in case of such refusal as aforesaid, be seized and forfeited to the crown as in the case of prohibited fittings.
- Ship leaving without certificate or with prohibited fittings.**  
[*Ibid*, sec. 13.] 10. If any such ship shall leave or attempt to leave the waters of the Colony without the certificate required by paragraph 4, or shall leave or attempt to leave the waters of the Colony, having on board any prohibited fittings, or any fittings which the Emigration Officer shall have ordered to be removed, or any other fittings of a similar kind and description, in every such case the master of such ship, and the owner or agent if proved to have sanctioned such leaving or attempting to leave as aforesaid, shall be deemed guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed, and all such fittings shall be seized and forfeited to the crown, whether the same be prohibited fittings or not.
- Fraudulent use of a certificate.**  
[*Ibid*, sec. 14.] 11. If any person shall make or attempt to make any fraudulent use of a certificate granted under this section, or shall forge, counterfeit, alter, or erase the whole or any part thereof, or shall use or attempt to use any spurious or fraudulent certificate, the person so offending, and every person aiding and abetting in such offence, shall be liable to the punishment hereinafter prescribed.
- Trial of offences.**  
[*Ibid*, sec. 15.] 12. All cases of violation or disobedience of, or default in compliance with the provisions of this section, may be heard and determined summarily by two Magistrates sitting together, who shall constitute a Court for this purpose: Provided that if at the close of the investigation, the accused shall apply for a trial by jury, or the Magistrates shall be of opinion that the case ought to be so tried, they may commit the accused for trial at the Supreme Court.
- Punishments of offences.**  
[*Ibid*, sec. 16.] 13. On conviction of such offences, the respective offenders shall be liable to the following punishments:—  
(a.) For every offence against paragraphs 1, 2, 3, 8 and 9 of this section, a fine not exceeding five hundred dollars, and imprisonment with or without hard labour for any term not exceeding six months, or either of such punishments, at the discretion of the Court.  
(b.) For every offence against paragraphs 10 and 11 of this section, a fine not exceeding one thousand dollars, and imprisonment with or without hard labour for any term not exceeding one year, or either of such punishments, at the discretion of the Court.

Provided always that where a fine shall be imposed for any offence against paragraphs 10 and 11, the Court may sentence the offender, in default of payment of such fine, to imprisonment with or without hard labour for any term not exceeding one year in lieu of such fine, and such imprisonment shall commence from the expiration of any term of imprisonment to which the offender may have been sentenced in addition to the fine.

14. The Supreme Court and the said Court of Magistrates shall have full power and authority to hear and determine all cases of seizure of fittings, and upon proof of the legality of the seizure, to declare the said fittings to be forfeited to the crown, and no fittings seized under this section, shall be deemed to be forfeited to the crown, except under the sentence of one or the other of the said Courts. Proceedings for forfeiture of fittings. [Ibid, sec. 17.]

15. Nothing in this section contained shall be deemed to affect any powers lawfully vested in a Superintendent or Inspector of Police. Powers of Police authorities. [Ibid, sec. 18.]

16. Any suit or prosecution against any person for anything done in pursuance or execution or intended execution of this section shall be commenced within three months after the thing done and not otherwise. Limitation of actions, &c. [Ibid, sec. 19.]

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement thereof.

In any such action the defendant may answer that the act complained of was done in pursuance, or execution, or intended execution of this section, and give this section and the special matter in evidence at any trial to be had thereupon.

The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if after action brought a sufficient sum of money is paid into Court by or on behalf of the defendant.

If judgment is given for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after an answer has been put in, the defendant shall recover his full costs and shall have the like remedy for the same as any defendant has by law for costs in other cases.

If judgment is given for the plaintiff, he shall not have costs against the defendant unless the Judge before whom the trial is had certifies his approbation of the action.

17. No proceeding shall be instituted for any offence against the provisions of this section, or for any forfeiture thereunder, except at the suit or prosecution of, or with the consent of the Attorney General. Prosecution to be by Attorney General. [Ibid, sec. 20.]

*Rules as to Chinese emigrant ships.*

XV. In the construction of this section, if not inconsistent with the context, the following terms and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:— Interpretation Clause. [Ordinance 5 of 1873, sec. 2.]

“Building,” in relation to a ship, shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly; “Building.”

“Equipping,” in relation to a ship, shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea, and all words relating to equipping shall be construed accordingly; “Equipping.”

“Ship and Equipment,” shall include a ship and every thing in or belonging to a ship. “Ship and Equipment.” [Ibid, sec. 3.]

2. No Chinese emigrant ship shall clear out or proceed to sea from this Colony unless the master of such ship shall be provided with a licence under this section. Licences under this section.

3. No person shall do any of the acts hereinafter specified in paragraph 8 of this section, without a licence from the Governor, or unless the owner, agent, or master of the ship in respect of which such act shall be done shall have obtained such licence. Licence from Governor. [Ibid, sec. 4.]

4. Every such licence shall be under the hand of the Governor and the public seal of the Colony and the granting thereof shall be in the discretion of the Governor, and shall be subject to the payment of such fee to the crown, and to such conditions as may, in each particular case, be prescribed by the Governor in Council. Form and conditions of licence. [Ibid, sec. 5.]

5. Application for such licence shall be made in writing to the Colonial Secretary, and shall be transmitted through the Emigration Officer, and the owner, agent, or master of the Chinese emigrant ship in respect of which such licence is ap- Mode of application for licence. [Ibid, sec. 6.]



plied for, shall furnish all particulars as to the destination of the ship, and as to all matters relating to the intended voyage and emigration which may be required of him.

Punishment for furnishing untrue particulars.

[*Ibid*, sec. 7.]

6. All such particulars shall, if so ordered, be certified upon oath before any justice of the peace, and every person who shall knowingly furnish untrue particulars shall be liable to imprisonment with or without hard labour, for any period not exceeding six calendar months, and to a fine not exceeding one hundred dollars, either in addition to or in substitution of such imprisonment.

Power to revoke and cancel licence.

[*Ibid*, sec. 8.]

7. If it shall appear to the satisfaction of the Governor at any time before the departure of a Chinese emigrant ship:—

- (a.) That the particulars furnished in relation thereto are untrue; or
- (b.) That further particulars have been discovered since the granting of the licence; or
- (c.) That any condition of the licence has been violated,—

it shall be lawful for the Governor in Council to revoke or vary the licence granted under this section in respect of such Chinese Emigrant ship and to order that the said ship be seized and detained until the said licence be delivered up to be cancelled, or varied.

Building, repairing, equipping, despatching, selling, hiring, &c., with-out licence.

[*Ibid*, sec. 9.]

8. If any person does any of the following acts within the Colony without having obtained a licence from the Governor under this section, or without any such licence as aforesaid having been granted to the owner, agent, or master of the ship in respect of which such act shall be done, or in contravention of the terms of any such licence if granted, that is to say:—

- (a.) Builds, alters or repairs, or agrees to build, alter or repair, or causes to be built, altered or repaired, any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony; or
- (b.) Fits out, mans, navigates, equips, uses, lets or takes on freight or hire any ship, or commands, or serves on board any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or
- (c.) Despatches, or causes or allows to be despatched any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or
- (d.) Holds or takes any share or interest in, or makes any advances of money to any ship, or becomes security for such advances, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid; or
- (e.) Despatches or causes or allows to be despatched, or commands or serves on board any ship carrying Chinese passengers, with the intent or knowledge, or having reasonable cause to believe that such passengers are being carried or intended to be carried to any port or place out of the Colony for the purpose of being conveyed therefrom as emigrants in the same or any other ship; or
- (f.) Being the master of a Chinese emigrant ship clears out and proceeds to sea in such ship,—

Penalty.

such person shall be deemed to have committed an offence against this section, and the following consequences shall ensue:—

- (a.) The offender shall be liable to imprisonment with or without hard labour for any term not exceeding two years, and to a fine not exceeding two thousand dollars, or to either of such punishments, at the discretion of the Court;
- (b.) The ship in respect of which any such offence is committed and her equipment shall, if within the waters of this Colony, be forfeited to the crown.

Punishment of accessories.

[*Ibid*, sec. 10.]

9. Any person who aids, abets, counsels, or procures the commission of any offence against this section, shall be liable to be tried and punished as a principal offender.

Seizure, search and detention of suspected ships.

[*Ibid*, sec. 11.]

10. The Governor upon being satisfied that there are reasonable grounds for suspecting that a ship within the waters of the Colony has been, or is being built, altered, repaired, or equipped, or is about to be despatched and taken out to sea contrary to the provisions of this section, or that any other offence against the said provisions has been committed, rendering the said ship liable to forfeiture, may issue a warrant in the form contained in schedule I to this Ordinance; and upon such warrant, the said ship may be seized and searched and detained until it has been either condemned or released by process of law, or in the manner hereinafter mentioned.

11. Any officer so authorized to seize, search and detain any Powers of officers authorized to seize ships. [Ibid, sec. 12.]  
 ship under this section may, for the purpose of enforcing such seizure, search and detention, call to his aid any constable or officers of Police, and may apply for assistance to any officer of Her Majesty's Army or Navy, or Marines, or to the Harbour Master, or any officer having authority by law to make seizures of ships, and may put any persons on board such ship to take charge of the same, and to enforce the provisions of this section, and any officer so authorized as aforesaid, may use force, if necessary, for the purpose of enforcing such seizure, search and detention, and if any person is killed, maimed, or hurt by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, or at his request, such officer so seizing, searching and detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

12. The owner of the ship seized and detained under this section, or his agent, may apply by petition to the Supreme Court for its release. [Ibid, sec. 14.]

13. The Crown Solicitor shall, upon the seizure of any ship as aforesaid, cite the owners or their agents in the Colony by a notice which may be in the form contained in schedule K to this Ordinance, to appear before the Supreme Court to show cause why the said ship should not be condemned and forfeited to the crown for breach of the provisions of this section, and in case there shall be no owner of the said ship in the Colony, nor any agent of such owner, the said notice shall be published twice in the *Gazette*, and such publication shall be equivalent to personal service of the citation. [Ibid, sec. 15.]

14. On the day appointed for the hearing of any petition for the release of the ship, or for the appearance of the owners or their agents in the Colony in obedience to a citation to show cause why the same should not be forfeited, the Court shall proceed to enquire into the matter and to make such orders as may be necessary to put the matter of the seizure and detention of the ship in course of trial between the owner and the crown. [Ibid, sec. 16.]

The Court may, if it shall think fit, direct a written statement or answer or any additional pleading to be filed, and may, in its discretion, receive evidence orally or by affidavit, or partly orally and partly by affidavit, and may determine all questions of fact as well as of law, or may, of its own motion, or on the application of either party, direct a jury to be empanelled for the determination of any question of fact.

The Court may frame issues of law and of fact, and generally may exercise the same powers and authorities as on the trial of any other suit, cause, or matter, within its ordinary jurisdiction.

The Court may also, during or before the said proceedings, grant warrants for the entering and searching of any ship or tenement within the jurisdiction, and the seizure of any papers or documents which may be found therein respectively, or may summon any person to appear before the Court, and to produce any papers and documents and may interrogate such persons on oath touching the subject matter of the inquiry.

15. Whenever any person shall have been convicted before the Supreme Court of an offence against this section, the evidence taken upon the trial of such offender shall be received in evidence in any proceedings instituted for the forfeiture or release of the ship in respect of which such offence shall have been committed; but it shall not be necessary to take proceedings against an offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender. [Ibid, sec. 17.]

16. The fact of a ship being apparently fitted and equipped, or in course of being fitted and equipped within the waters of the Colony for the conveyance of Chinese emigrants shall, if the owner, agent or master shall not have obtained a licence from the Governor under this section, or under section V of this Ordinance, be *prima facie* evidence that such ship is intended for the conveyance of Chinese emigrants to be embarked at some port or place out of the Colony. [Ibid, sec. 18.]

17. If on the hearing of the said proceedings for the forfeiture or release of a ship seized under this section, it shall be established to the satisfaction of the Court that the offence charged has not been committed in respect of such ship against the provisions of this section rendering such ship liable to forfeiture, the ship shall be released and restored to the owners thereof or their agents. [Ord. 5 of 1873, sec. 19, and Ord. 10 of 1873, sec. 1.]

18. If on the hearing of the proceedings, it shall be established to the satisfaction of the Court that the offence charged has been committed in respect of such ship rendering the same liable to forfeiture under this section, the Court shall declare such ship to be forfeited to the crown. [Ord. 5 of 1873, sec. 20, & Ord. 10 of 1873, sec. 2.]

- Penalty in lieu of forfeiture. [Ord. 5 of 1873, sec. 21.] 19. It shall be lawful for the Court to impose such a pecuniary penalty as to the Court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned by order of the Court and sold, would have been applicable.
- Costs. [Ibid, sec. 22.] 20. The costs of all proceedings for the forfeiture or release of a ship, shall be in the discretion of the Court.
- Indemnity. [Ibid, sec. 23.] 21. If the Court be of opinion that there was not reasonable and probable cause for the seizure or detention, and if no such cause appear in the course of the proceedings, the Court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the seizure or detention, the amount thereof to be assessed by the Court, and any amount so assessed shall be payable by the treasury out of the general revenues of the Colony.
- Sale of forfeited ship. [Ibid, sec. 24.] 22. Every ship forfeited to the crown for breach of the provisions of this section may be sold by public auction or private contract, and may be transferred to the purchaser by bill of sale under the hand of the Governor, and the seal of the Colony, and the net proceeds of such sale shall be paid into the Colonial Treasury for the use of the Crown.
- Release of ship by Governor. [Ibid, sec. 13.] 23. The Governor may, at any time, release any ship seized and detained under this section, notwithstanding her forfeiture by the sentence of the Supreme Court, on the owner or agent giving security to the satisfaction of the Governor that the ship shall not be employed contrary to this section, or may release the ship without such security if the Governor think fit so to release the same.
- Indemnity to officers. [Ibid, sec. 25.] 24. Subject to the provisions of this section providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court, no damages shall be payable, and no public officer, or other person acting under his order or at his request, shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ships in pursuance of this section.
- Prosecution to be by Attorney General. [Ibid, sec. 26.] 25. No proceedings, other than the issue of a warrant for the seizure of a ship, or for the apprehension of an offender, shall be instituted for any offence against the provisions of this section, except at the suit or prosecution of, or with the consent of the Attorney General.

**PART III.**

**MISCELLANEOUS.**

*Repealing Clause.*

XVI. The following Ordinances and sections of Ordinances are hereby repealed:—

Repealing clause.

Ordinance 9 of 1856,.....	Section III.
” 11 of 1857,.....	} The whole.
” 6 of 1859,.....	
” 1 of 1862,.....	Section XXVII.
” 12 of 1868,.....	} The whole.
” 4 of 1870,.....	
” 8 of 1871,.....	
” 13 of 1872,.....	
” 3 of 1873,.....	
” 5 of 1873,.....	
” 10 of 1873,.....	
” 3 of 1874,.....	

But this repeal shall not revive any enactment repealed by any of the said Ordinances or sections, and shall not affect:—

- (a.) Anything duly done before this Ordinance comes into operation;
- (b.) Any right acquired or liability accrued before this Ordinance comes into operation;
- (c.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Ordinance comes into operation;
- (d.) The institution of any legal proceeding, or any other remedy for ascertaining, enforcing or recovering any such liability, penalty, forfeiture or punishment as aforesaid.

*Forms.*

Forms.

XVII. The forms given in the schedules hereto, or forms to the like effect with such variations and additions as circumstances require, may be used for the purposes therein indicated and according to the directions therein contained, and instruments in those forms, shall (as regards the form thereof) be valid and sufficient.

Passed the Legislative Council of Hongkong, this 7th Day of September, 1874.

L. D'ALMADA E CASTRO,  
Clerk of Councils.

SCHEDULES.

(A.)

*Form of Emigration Passage Broker's Annual Bond, with two Sureties to be approved by the Emigration Officer, under section VI, paragraph 1.*

KNOW ALL MEN by these presents, that we *A\** *B* of, &c., *C* *D* of, &c., and *E* *F* of, &c., are held and firmly bound unto Her Most Gracious Majesty Queen Victoria, in the sum of five thousand current dollars, to be paid to her said Majesty, her heirs and successors; to which payment well and truly to be made we bind ourselves, and every of us jointly and severally, our heirs, executors, and administrators, and the heirs, executors, and administrators of each of us, and each and every of them, firmly by these presents, sealed with our seals.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_

WHEREAS by the "*Chinese Emigration Consolidation Ordinance, 1874*," it is amongst other things enacted; that no person whatever shall carry on the business of a passage broker in Hongkong, in respect of any emigrant ship, or shall be in anywise concerned in the sale or letting of passages in any such ship, unless such person, with two good and sufficient sureties to be approved of by the Emigration Officer, shall have previously entered into a joint and several bond to Her Majesty, her heirs and successors, in the sum of five thousand current dollars: *And whereas* the said *C.D.* and *E.F.* have been approved of by the Emigration Officer as sureties for the said *A. B.*

Now the condition of this obligation is, that if the above bounden *A.B.* shall well and truly observe and comply with all the requirements of the said recited Ordinance, so far as the same relate to passage brokers; and further, shall well and truly pay all fines, forfeitures, and penalties,—and also all sums of money, by way of subsistence money, or of return passage money, and compensation to any passenger, or on his account,—and also all costs which the above-bounden *A. B.* may at any time be adjudged to pay, under or by virtue of any of the provisions of the above recited Ordinance, or of the Act of the Imperial Parliament 18th and 19th Victoria, cap. 104, intituled "*An Act for the Regulation of Chinese Passenger Ships*," then, and in such case, this obligation to be void,—otherwise to remain in full force.

Signed, sealed, and delivered, by the above-bounden *A.B.*, *C.D.*, and *E. F.*, in the presence of. †

\* Insert personal and family names in full, with the occupation and address of each of the parties.

† Insert the names and addresses in full of the witnesses. -

(B.)

*Form of Emigration Passage Broker's Licence, under section VI, paragraph 2.*

*A. B.* of \* having shown to the satisfaction of me, the undersigned, that he hath given bond to Her Majesty, as by the "*Chinese Emigration Consolidation Ordinance, 1874*," required: I, the undersigned, do hereby license and authorize the said *A. B.* to carry on the business of a Passage Broker in Hongkong, in respect of passengers on board emigrant ships proceeding from Hongkong, until the end of the present year, and fourteen days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A. B.* as in the aforesaid Ordinance is provided.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Signature, (L.S.)  
*Emigration Officer.*

\* The personal and family names in full of the person applying for the licence, with his address and trade or occupation, must be correctly inserted.

(C.)

*Form of Notice to be given to the Emigration Officer of Forfeiture of a Licence, under section VI, paragraph 2.*

SIR,—This is to give you notice, that the licence granted on the day of 187 , to *A. B.* of \* to act as an Emigration Passage Broker, was on the \_\_\_\_\_ day of \_\_\_\_\_ now last past duly declared by me (or us), the undersigned Justice (or Justices) of the Peace to be forfeited. †

Signatures,

Place and date 187 .  
To the EMIGRATION OFFICER,  
*Victoria, Hongkong.*

\* The personal and family names in full, with the address and trade or occupation of the party, to be here inserted.

† Here state severally the reasons of forfeiture.

(D.)

*Form of Contract Passage Ticket, under section VI, paragraph 5.*

I hereby engage that the Chinese named at foot hereof shall be provided with a passage to, and shall be landed at, the port of \_\_\_\_\_ in \_\_\_\_\_, in the ship or vessel called the " \_\_\_\_\_ " with not less than 72 cubic feet and 12 superficial feet for berth accommodation (or in case of ships under section VIII, 54 cubic feet and 9 superficial feet), and shall be victualled according to schedule A to "The Chinese Passengers' Act, 1855," annexed, during the voyage, and the term of detention at any place before its determination, for the sum of \_\_\_\_\_ dollars, and I hereby acknowledge to have received the sum of \_\_\_\_\_ dollars in full payment.

Name and Surname of Passenger.	Male.	Female.	Occupation.	Native Place, Village & District.
	Age.	Age.		

Signature, \_\_\_\_\_  
*Passage Broker.*  
187 .

Victoria, Hongkong, the \_\_\_\_\_ day of \_\_\_\_\_

I hereby certify, that I have explained and registered the above contract passage ticket.

Signature, \_\_\_\_\_  
*Emigration Officer.*  
187 .

Victoria, Hongkong, the \_\_\_\_\_ day of \_\_\_\_\_

(E.)

Regulations referred to in paragraph 1 of section VIII respecting Chinese Passenger Ships.

- No ship to depart without certificate. I. No ship shall clear out or proceed to sea unless the master thereof shall have received from an Emigration Officer a copy of these regulations and a certificate in the form contained in schedule G annexed thereto, nor until the master shall have entered into the bond prescribed by section IV of "The Chinese Passengers' Act, 1855."
- Application for same. II. No Emigration Officer shall be bound to give such certificate till seven days after receiving an application in writing for the same from the owners or charterers of the ship, or if absent, from their respective agents, specifying the name of the ship, her tonnage, the port of destination, the proposed day of departure, the number of passengers intended to be carried, and whether such passengers or any of them are under contracts of service.
- Inspection of ship. III. After receiving such application, the Emigration Officer and any person authorized by him in that behalf shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions and stores therein, and any person impeding such entry or inspection, or refusing to allow of the same, shall be liable to a fine not exceeding one hundred dollars for each offence.
- Accommodation of passengers. IV. The following conditions as to the accommodation of passengers shall be observed to the satisfaction of the Emigration Officer:—
- 1. The space appropriated to the passengers between decks shall be properly ventilated, and shall contain at the least 9 superficial and 54 cubical feet of space for every adult on board; that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one and twelve years. The height between decks shall be at least six feet.
  - 2. The accommodation for female passengers between decks shall be separate from that provided for male passengers.
  - 3. A space of four superficial feet per adult shall be left clear on the upper deck for the use of the passengers.
  - 4. A reasonable space shall be set apart properly divided and fitted up as a sick bay, and sufficient latrines, both as to condition and number, shall be provided in suitable parts of the ship.
- Ventilation, space, and height between decks. Male and female passengers. Space on upper deck. Sick bay, &c.
- Deck passengers. V. The Emigration Officer may, in his discretion, permit deck passengers to be carried, upon such conditions, as may, from time to time, be prescribed under instructions from one of Her Majesty's Principal Secretaries of State, and until and subject to such instructions, upon the conditions following:—
- 1. A suitable awning with screens shall be provided on deck, sufficient for the protection of the passengers from the sun and from rain.
  - 2. The space appropriated to such deck passengers shall contain at the least sixteen superficial feet for every adult, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one and twelve.
  - 3. In case deck passengers shall be carried in addition to other passengers for whom accommodation between decks shall be provided, the space to be appropriated for deck passengers shall be reckoned exclusively of the space of four superficial feet per adult required to be left clear on the upper deck for the use of such other passengers.
- Awning. Space. Reserved space.
- Provisions. VI. The following conditions as to provisions shall be observed to the satisfaction of the Emigration Officer:—
- 1. Provisions, fuel and water shall be placed on board of good quality, properly packed and sufficient for the use and consumption of the passengers, over and above the victualling of the crew during the intended voyage, according to the following scale:  
For every passenger per diem:—
- |   |               |         |
|---|---------------|---------|
| Rice or bread stuffs,.....  | not less than | lbs. 1½ |
| Dried <sup>and</sup> salt fish, .....   | "             | 0½      |
| Chinese condiments and curry stuff, .....   | oz.           | 1       |
| Fresh vegetables, which will keep for short voy-<br>ages, such as sweet potatoes, turnips,<br>carrots, and pumpkins,..... | lbs.          | 1½      |
| Firewood, .....   | "             | 2       |
| Water (to be carried in tanks or sweet casks), .....  | gallon        | 1       |
- 2. The last preceding condition as to provisions shall be deemed to have been complied with, in any case where by the special authority of the Emigration Officer, any other articles of food shall have been substituted for the articles enumerated in the foregoing scale, as being equivalent thereto.
  - 3. The passengers may supply their own provisions for the voyage and proper accommodation for the stowage, and sufficient cabooses for the cooking of such provisions must be allowed.
- Articles of food mentioned in scale may be varied. Passengers' own supplies. Contents of certificate. VII. The Emigration Officer shall not give his certificate unless he shall be satisfied:—
- 1. That the ship is sea-worthy, and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.
  - 2. That suitable medicines and medical stores, provisions, fuel and water have been placed on board, of good quality, properly packed and sufficient in quantity to supply the passengers on board during the intended voyage.
  - 3. That all the requirements of section VIII of this Ordinance have been complied with.
- Power to withhold certificate. Examination of passengers and of contracts, if any. VIII. The Emigration Officer may, in his discretion, (subject in Hongkong to an appeal to the Governor) withhold his certificate in all cases where the intended passengers or any of them are under contracts of service, and he shall in no case give his certificate until he shall have mustered the passengers, and have ascertained to the best of his power that they understand whither they are going, and in case they shall have made any contracts of service that they comprehend the nature thereof; he shall also take care that a copy of the form of any such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate: if any of the passengers are in bad health, or insufficiently provided with clothing, or if any such contracts are unfair, or if there is reason to suspect that fraud or violence have been practised in their collection or embarkation, he may detain the ship, and, if he shall think fit, may order all or any of the passengers to be re-landed.

IX. The Emigration Officer may, if he shall think fit, before granting his certificate, employ any duly qualified medical practitioner, master mariner, marine surveyor, or other person whose professional assistance and advice he may require for the purpose of ascertaining whether the requirements of section VIII of this Ordinance have been duly complied with, and the costs and charges of obtaining such assistance and advice, shall be defrayed by the owners or charterers of the ship, whether the Emigration Officer shall grant his certificate or not.

X. The Emigration Officer shall, from time to time, fix a reasonable scale of fees and charges to be approved by one of Her Majesty's Principal Secretaries of State, for the remuneration of any professional persons who may be employed by him under the last preceding regulation, and pending the approval or disapproval of such scale, the fees and charges therein specified shall be payable, as if the same had been approved in manner aforesaid.

XI. The owners or charterers of every ship shall pay such fees for the remuneration of the Emigration Officer, as may, from time to time, be ordered under instructions from one of Her Majesty's Principal Secretaries of State, and until and subject to such instructions, the following fees shall be payable in addition to all fees chargeable under regulation X:—

Upon the application for a certificate, .....\$25  
 Upon the granting of the certificate, .....\$25  
 Provided always that no fees shall be payable to the Emigration Officer of Hongkong, but in lieu thereof the following stamp duties are hereby imposed, that is to say:—

Upon every application for a certificate under article II of the regulations contained in schedule B of the said Ordinance, a stamp duty of .....\$ 1  
 Upon every certificate granted under article I of the said regulations, a stamp duty of .....\$ 1

And "The Stamp (Amendment) Ordinance, 1868," shall be read as if the stamp duties hereby imposed were inserted in the schedule thereof.

XII. In case default shall be made by the owners or charterers of the ship in the payment of any fees and charges to which they may be liable under section VIII of this Ordinance, the ship may be detained by the British Consul, or if in Hongkong by the Governor, until such fees and charges shall have been paid.

XIII. The Emigration Officer may withhold his certificate or revoke the same at any time before the departure of the ship, if it shall appear to his satisfaction that any particulars contained in the application in writing which have been made for the same or any other particulars which may have been furnished to him by or on behalf of the owners, charterers, or master of the ship in relation thereto, are untrue, and that the conditions of section VIII of this Ordinance have not been complied with; and in every such case it shall be lawful for the British Consul, or if in Hongkong for the Governor, to seize and detain the ship until the certificate, if already granted, shall have been delivered up to be cancelled.

XIV. The master of every British ship shall, during the whole of the intended voyage, make issues of provisions, fuel and water, according to the aforesaid dietary scale, to all the passengers except such as shall have supplied themselves therewith, and shall not make any alteration except for the manifest advantage of the passengers, in respect of the space allotted to them as aforesaid, or in respect of the means of ventilation, and shall not ill-use the passengers, or require them (except in case of necessity) to help in working the vessel; and shall issue medicines and medical comforts, as shall be requisite, to the best of his judgment, and shall call at such ports as may be mentioned in the Emigration Officer's clearing certificate for fresh water and other necessaries; and shall carry the passengers without unnecessary delay to the destination to which they have contracted to proceed.

XV. The master of every British ship shall, within 24 hours after his arrival at the port of destination and at any port of call, produce his emigration papers to the British Consul (if any) at such port, or in case such port shall be in Her Majesty's dominions to any officer appointed or authorized by the local Government in that behalf. It shall be lawful for such Consul or other officer to enter and inspect such ship, and in case the master shall obstruct or refuse to assist him in the discharge of such duty, or shall without reasonable cause fail to produce his emigration papers as aforesaid, he shall be liable to a fine of five hundred dollars, and the ship may be detained by the British Consul, or if in Her Majesty's dominions, by the local Government, until such fine shall have been paid and the emigration papers shall have been given up.

XVI. In all ports and places where no Emigration Officer shall have been appointed, the British Consul shall, until such appointment, and at all times pending the vacancy of such office, be deemed to be the Emigration Officer for the purposes of these Regulations.

(F.)

Under section VIII, paragraph 2.

FOR STEAMERS

Whose steam power shall be sufficient without the aid of sails to propel them at the rate of five statute miles in the hour.

Voyages from Hongkong, Swatow, Amoy, Foochow, Ningpo, Shanghai, and any port in Formosa, to—

Calcutta.	Labuan.
Pegu.	Sarawak.
Sumatra.	Manila.
Java.	Bangkok.
The Straits Settlements.	Japan.

FOR SAILING VESSELS.

Voyages from Hongkong, Swatow, Amoy, Foochow, Ningpo, Shanghai, and any port in Formosa, to—

From October to March, both inclusive.	From April to September, both inclusive.
Sumatra.	Labuan.
Java.	Manila.
The Straits Settlements.	Bangkok.
Labuan.	
Manila.	
Bangkok.	

## (G.)

*Emigration Officer's Certificate, under section VIII.*

I, [A. B.], &c., Emigration Officer at the port of  
do hereby certify as follows:—

1. That the Chinese passenger ship \_\_\_\_\_, A. B., Master, of the port of \_\_\_\_\_ is within the provisions of section VIII of an Ordinance of the Legislature of Hongkong, entitled "The Chinese Emigration Consolidation Ordinance, 1874," and that the said ship is authorized to proceed to sea from the port of \_\_\_\_\_ for the port of \_\_\_\_\_
2. That the said ship is authorized to carry \_\_\_\_\_ adults and that there are on board \_\_\_\_\_ Passengers [if any are deck passengers add: of whom \_\_\_\_\_ are deck passengers], making in all adults, namely: \_\_\_\_\_ men, \_\_\_\_\_ women, \_\_\_\_\_ male children, \_\_\_\_\_ female children, such children being between the ages of one and twelve years.
3. That the space set apart and to be kept clear for the use of such passengers is as follows: On the upper deck \_\_\_\_\_ superficial feet being [describe space] and in the between decks \_\_\_\_\_ superficial feet being [describe space].
4. That the ship is sea-worthy, and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage to prejudice the health or safety of the passengers. The means of ventilating the passengers' accommodation between decks are as follows: [describe means].
5. That suitable medicines and medical stores, provisions, fuel and water have been placed on board, of good quality, properly packed and sufficient in quantity to supply the passengers on board during the intended voyage.
6. That all the conditions and requirements of the said section have been duly complied with.
7. That the aforesaid passengers [or in case of a part only, state the number,] are emigrants under contracts of service and that I have inspected the contracts between them and their intended employers (the terms of which are annexed to this certificate) and consider them reasonable; and that no fraud appears to have been practised in collecting such emigrants.
8. That the master of the ship is to put into \_\_\_\_\_ for water and fresh vegetables.

A. B.,  
Emigration Officer at the  
Port of \_\_\_\_\_

Dated \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
187 . }

*N.B.*—Where none of the passengers are emigrants under contracts of service the following paragraph shall be substituted for paragraph 7:

"7. That the whole of the said passengers are free passengers under no contract of service whatever."

## (H.)

*Emigration Officer's Certificate, under section XIV.*

I, [A. B.], Emigration Officer of Hongkong, do hereby certify, that I have inspected the fittings of the \_\_\_\_\_ ship "\_\_\_\_\_" of which \_\_\_\_\_ is master, bound for \_\_\_\_\_, and that there are no prohibited or objectionable fittings on board.

Dated at Hongkong, the \_\_\_\_\_ day of \_\_\_\_\_, 187 . A. B.

## (I.)

*Form of Warrant, under paragraph 10 of section XV.*

Hongkong }  
to wit. { To

Whereas it has been made to appear to my satisfaction that there are reasonable grounds for suspecting that an offence has been committed against the provisions of the above section in respect of the ship \_\_\_\_\_, now lying in the waters of this Colony, rendering the said ship liable to forfeiture,—

This is therefore to command you in Her Majesty's name forthwith to seize the said ship wherever she may be lying within the waters of this Colony, and to search the said ship and her equipment, and to detain the same in your charge and custody until the forfeiture or release thereof, according to law, for which this shall be your warrant.

Given under my hand and the seal of the Colony, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord, 187 .

L. S.

\_\_\_\_\_  
Governor and Commander-in-Chief, &c.

## (K.)

*Form of Citation, under paragraph 13 of section XV.*

IN THE SUPREME COURT OF HONGKONG.

The \_\_\_\_\_ day of \_\_\_\_\_ 187 .

*In re* the "\_\_\_\_\_"

Take notice that under and in pursuance of "The Chinese Emigration Consolidation Ordinance, 1874," you are hereby cited to appear before the Supreme Court on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ to show cause why the above-named ship and her equipment should not be forfeited to the crown for breach of the provisions of the said Ordinance.

To the Owners of  
the ship "\_\_\_\_\_"  
or their agents.